

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

*E. Clifton Knowles*  
U.S. Magistrate Judge

Tatham & Associates, Inc. 401(K) Plan, Dennis  
Turner, as Trustee, et al.,

Plaintiffs

v.

SagePoint Financial, Inc., et al.

Defendants

SagePoint Financial, Inc.,

Counterclaimant

v.

Dennis Turner, as Trustee for the Tatham &  
Associates, Inc. 401(K) Plan, et al.,

Counter-Defendants

CIVIL ACTION NO.

3:09-cv-00724

Judge John T. Nixon

Magistrate Judge E. Clifton  
Knowles

**SAGEPOINT FINANCIAL, INC.’S MOTION FOR LEAVE TO FILE A REPLY BRIEF  
IN SUPPORT OF ITS MOTION TO AMEND INITIAL CASE MANAGEMENT ORDER  
OR, IN THE ALTERNATIVE, TO SCHEDULE CASE MANAGEMENT  
CONFERENCE, AND POSTPONE AND RE-SET TRIAL**

COMES NOW SAGEPOINT FINANCIAL, INC. (“SagePoint”), by and through its undersigned counsel, and pursuant to Local Rule 7.01(b), respectfully requests leave of Court to file a Reply in Support of its Motion to Amend Initial Case Management Order or, in the Alternative, to Schedule Case Management Conference, and Postpone and Re-set Trial (the “Motion”) (Docket No. 46). In support hereof, SagePoint states that the Plaintiffs’ 26-page Response to SagePoint’s Motion (the “Response”) (Docket No. 56) reveals that the Motion is, in fact, unopposed. However, instead of simply stating that the Motion is unopposed, the Plaintiffs have used the Response as a platform to re-argue other motions that were fully briefed as long